

Employee's admission to misconduct meant limited subsequent investigation required

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Where an employee admits to misconduct, it may be reasonable for an employer to limit its investigation into the situation.

Mr Wiltshire was employed by CR0 Ports London as a Heavy Lift supervisor. In January 2013, Mr Wiltshire gave permission for a driver to lift a container, despite a known problem with the locking of the container to the crane. The container fell to the ground from a height of 20 feet; this could have been fatal. Mr Wiltshire was subsequently suspended. In light of his unblemished record with the company and long service, he thought he would simply be reprimanded. As such, Mr Wiltshire took full responsibility for the incident, and admitted it had been a dangerous practice. He was dismissed for gross misconduct, and brought a claim for unfair and wrongful dismissal.

The EAT found that the employer was entitled to curtail the scope of the investigations based on Mr Wiltshire's admissions and that must be taken into account in looking at the reasonableness of the investigation as a whole.

This decision is useful to employers, in that it gives some guidance as to how to manage an employee's admission in respect of misconduct, and the subsequent investigation. It should be noted that, depending on the nature of the admission, a full investigation may still be required, so it is best to approach this on a case-by-case basis.

CR0 Ports London Ltd v Wiltshire UKEAT/0344/14, 23 January 2015

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